REMARKS

The present amendment is in response to the Official Action mailed May 26, 2006. Applicant has amended claims 1 and 7-12. Claims 1-2 and 5-12 as amended, remain pending.

In the Official Action, the Examiner has rejected all of the claims as being unpatentable over U.S. Patent No. 5,682,326 to Klingler et al. ("Klingler"). Although it appears from the Official Action that the rejection over Klingler is based on 35 U.S.C. § 102(b) based on the portion of the patent statute quoted on page 2, the Official Action also references "103(a)" and "103(b)" on page 2. Applicant assumes that the references to "103(a)" and "103(b)" are typographical errors that should read "102(b)." In any case, for the reasons explained below, it is submitted that pending claims are neither anticipated nor rendered obvious by Klingler.

As an initial matter, Applicant has amended the claims to clarify the nature of the *shared objects* aspect of the invention without intending to change or limit the scope of the claims.

Klingler, the only applied reference in the Official Action, fails to disclose, teach or suggest the invention as specified in the claims. The disclosure relied upon by the Examiner in Klingler relates to the creation of "programs" or movies by the use of video clips, transitions and special effects and does not form the type of final scenes, in the same manner, as the claimed invention.

Namely, Klingler fails to disclose or teach the use of *shared objects* as claimed, to form shared scenes (i.e., "virtual" or "intermediate" scenes), which shared scenes are then combined by the editor to form final scenes that display all of the objects from the combined shared scenes at the same time. The shared scenes of the instant invention themselves contain shared objects that would normally be selectable as

objects on an individual basis to form a final scene (not using shared scenes) in accordance with a predetermined specification, such as MHEG.

Thus, claim 1 provides that the shared objects can be controlled to create final scenes, independent of the defined shared scenes, in accordance with the predetermined specification:

> a shared-scene creation module operable allow the editor to define shared scenes, the shared scenes being virtual scenes formed in accordance with an internal format and used to form the final scenes, each of the shared scenes comprising one or more ***shared objects that are controllable for display to create final scenes independent of the defined shared scenes in which the shared objects are contained in accordance with the predetermined specification*** ....

However, to simply programming, the editor need only decide on which *shared scenes* to combine (with their shared objects) to produce a final scene with the desired shared objects contained in the combined shared scenes:

> a shared-scene processing module operable to enable the editor to ***select two or more shared scenes***, each of the selected shared scenes comprising one or more of the shared objects, ***to be combined for creating final scenes with the shared objects from each selected shared scene*** ....

Finally, control information having an internal format (as opposed to the predetermined format) is produced and converted into shared object control information to then form the final scenes in accordance with the predetermined format:

> an application creation module operable to describe ***control information in accordance with the internal format*** based on the shared scenes set by the editor via said shared-scene creation and processing modules; and
>
> an output control module for ***converting the control information into shared object control***

information for forming the final scenes in which ***the shared objects*** selected by combining shared scenes ***are specified for display at the same time in the final scenes in accordance with the predetermined specification***.

As an example, the editor is provided with shared scenes that include shared objects (such as the object "ob1" in Fig. 16A) that are normally controlled independently to be provided in a final scene, without regard to a shared scene. The more difficult way an editor would create a final scene, such as MHEG scene 2 of Fig. 16D, would be to decide when to turn each individual object on or off for inclusion given final scene. However, as described, for example, in paragraphs [0267]-[0268] of the present application, the editor would need to have sufficient knowledge of the object scripting language to enable editing work done using only shared objects, on an object-by-object basis. Such prior editing tools only had the functionality of turning a shared object on or off simultaneously for all scenes, which made it difficult for the editor to utilize a *shared object* effectively among the various scenes. With the present invention, the editor can carry out editing work using *shared scenes* (not objects alone) to create final combined scenes. These final scenes then simultaneously display all of the shared objects in each of the combined shared scenes. As a result of the selection of shared scenes (and thus the objects the editor wants to show in the final scene), the editor can create a final scene with the objects that he or she wants displayed without worrying about scripting needed to selectively turn shared objects on or off.

Klingler does not provide or discuss a solution to the specific shared object authoring problem solved by Applicant's invention. At best, Klingler allows the editor to arrange clips, transitions and special effects, sequentially in time, as

shown in its Fig. 5, to create a final movie program in a given output format (such as QuickTime). Namely, Klingler discloses the sequential positioning of clips (e.g., clips 90, 92, 94), transitions (e.g., transition filter 84), and special effects (e.g., special effects filter 86) applied to one or more of the positioned clips.

In Klingler, individual "objects" *within clips* are not "sharable" to form a final scene by way of both a predetermined specification and an internet format. Rather, any "objects," such as ledges or glaciers, which happen to be seen in a clip are not separately addressable or controllable to enable such objects to be displayed simultaneously in a final scene. Rather, any such "objects" existing in sequentially concatenated clips would just be presented when the selected clip with that object is sequentially shown. For example, if a clip 1 had a ledge and a clip 2 had a glacier, and clips 1 and 2 were sequentially combined, the ledge would be shown and then the glacier would be shown, all as a part of the sequential movie created by the editor. The ledge and glacier, however, are not separately selectable as objects per se to be combined to form a final combined scene showing both the ledge and glacier at the same time.

Thus, with respect to claims 1 and 6, for example, in Klingler, there are no initial "shared scenes ***comprising one or more shared objects*** that are ***controllable*** for display to create ***final scenes*** independent of the defined shared scenes ***in which the shared objects are displayed*** in accordance with the predetermined specification."

Further, since there are no such shared scenes with *shared objects*, there is no shared-scene processing module or step to enable the editor to "select two or more shared scenes, each of the selected shared scenes comprising one or more of the

shared objects, to be combined for creating ***final scenes with the shared objects from each selected shared scene***."

Finally, Klingler therefore also lacks an application creation module or step to "describe ***control information in accordance with the internal format based on the shared scenes*** set by the editor via said shared-scene creation and processing modules" and an output control module or step "for ***converting the control information into shared object control information for forming the final scenes*** in which the ***shared objects*** selected by combining shared scenes ***are specified for display at the same time*** in the final scenes ***in accordance with the predetermined specification***."

For the foregoing reasons, it is respectfully submitted that none of the pending claims are anticipated or rendered obvious by Klingler. As such, it is requested that the Examiner withdraw the rejection of the claims over Klingler.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 21, 2006

Respectfully submitted,

By _____

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